

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:24-CV-65-D

RISE H. HOYLE,)
Plaintiff,)
v.) ORDER
CUMBERLAND COUNTY HOSPITAL)
SYSTEMS, INC.,)
Defendant.)

On February 5, 2024, Rise H. Hoyle ("Hoyle" or "plaintiff"), filed a pro se complaint [D.E. 1] and a motion to proceed in forma pauperis [D.E. 3]. On February 7, 2024, pursuant to 28 U.S.C. § 636(b)(1), the court referred the case to United States Magistrate Judge Robert T. Numbers, II for a Memorandum and Recommendation ("M&R") and for a frivolity review [D.E. 5]. On May 17, 2024, Magistrate Judge Numbers issued a M&R recommending that the court grant the motion to proceed in forma pauperis, allow plaintiff's retaliation claim to proceed, and dismiss the remainder of the complaint without prejudice [D.E. 6]. On May 30, 2024, Hoyle objected to the M&R [D.E. 7].

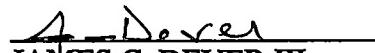
"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (cleaned up); see 28 U.S.C. § 636(b)(1). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond, 416 F.3d at 315

(quotation omitted). If a party makes only general objections, de novo review is not required. See id. at 315–16; Wells v. Shriners Hosp., 109 F.3d 198, 200 (4th Cir. 1997). “In order to preserve for appeal an issue in a magistrate judge’s report, a party must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection.” Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017) (quotation omitted); see United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007).

The court has reviewed the M&R, the record, and Hoyle’s objections. As for those portions of the M&R to which Hoyle made no objection, the court is satisfied that there is no clear error on the face of the record. See Diamond, 416 F.3d at 315. As for the objections, Hoyle’s objections restate the claims that she made in her complaint concerning discrimination and harassment. Compare [D.E. 1] 1–4, with [D.E. 7] 2–9. The court agrees with Magistrate Judge Number’s conclusion, allows plaintiff’s retaliation claim to proceed, and dismisses the remainder of the complaint without prejudice [D.E. 6].

In sum, the court OVERRULES plaintiff’s objections to the M&R, GRANTS plaintiff’s application to proceed in forma pauperis [D.E. 3], ADOPTS the conclusions in the M&R [D.E. 6], ALLOWS plaintiff’s claim of retaliation to proceed, and DISMISSES WITHOUT PREJUDICE plaintiff’s remaining claims [D.E. 1]. The clerk is DIRECTED to issue the summons prepared by plaintiff. The U.S. Marshal is DIRECTED to serve the summons and a copy of the complaint on defendant.

SO ORDERED. This 10 day of June, 2024.



JAMES C. DEVER III
United States District Judge